

U.S. ATTORNEY'S OFFICE
WESTERN DISTRICT OF MISSOURI

ANNUAL REPORT



2004

A report from Todd P. Graves
United States Attorney for the Western District of Missouri

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MESSAGE FROM THE U.S. ATTORNEY

June 30, 2005

To the Law Enforcement Community,



I am pleased to present this 2004 Annual Report to offer you insight into our office's progress during the last year. Many of our accomplishments have been highlighted in this document and show the great strides we've made during the last year. That progress is largely to the credit of the dedicated and professional staff that I have the privilege of working with on a daily basis.

In 2004, we tackled fraud-related conspiracies, terrorism, gun crimes, narcotics conspiracies, child pornography, and a variety of violent crimes. The Lisa Montgomery case stands out because of the tragic nature of the crime, which received a significant amount of national media attention in the days following the murder of Bobbie Jo Stinnett. Our office continues to work on that case, which is set for trial in April 2006. Additionally, our office continues to focus on the nation's No. 1 priority – fighting domestic and international terrorism to protect our citizenry from future attacks. Those two efforts will continue to drive many in this office during the coming year.

As pleased as I am with our progress in 2004, I fully expect that the coming year will be just as momentous. Our focus remains on enforcing federal law to ensure a safe living environment for residents of the Western District of Missouri. As we move forward, our office will lean heavily on many of your organizations for assistance in justly prosecuting violations of federal law.

I look forward to working with you in the coming year.

Sincerely,

Todd P. Graves
United States Attorney



INTRODUCTION TO THE U.S. ATTORNEY'S OFFICE

The U.S. Department of Justice has been accurately described as the largest law firm in the world. As part of that department, the U.S. Attorney's Office for the Western District of Missouri serves as the "people's law firm" in the western portion of the Show Me State. United States Attorneys serve as the nation's principal litigators under the direction of U.S. Attorney General Alberto Gonzalez. There are 93 U.S. Attorneys stationed throughout the United States, Puerto Rico, the Virgin Islands, Guam and the Northern Mariana Islands.

U.S. Attorneys are appointed by, and serve at the discretion of the President of the United States, with the advice and consent of the U.S. Senate. The office itself serves two basic functions. Its most visible function is to prosecute violations of federal law occurring in the district. But it also provides legal representation to the federal government, its agencies and employees in civil court actions. One U.S. Attorney is assigned to each of the judicial districts, with the exception of Guam and the Northern Mariana Islands, where a single U.S. Attorney serves both districts. Each U.S. Attorney is the chief federal law enforcement officer of the United States within his or her particular jurisdiction.



U.S. ATTORNEY'S OFFICE MISSION STATEMENT

To fairly and justly prosecute violations of federal criminal law and to represent the United States and its agencies in civil litigation; to educate and inform the public, including victims of crime, about the functions of the justice system and the rights of all citizens; to assume a leadership role in crime prevention through speaking engagements and community involvement; and to conduct federal and local law enforcement training and facilitate cooperation and collaboration among law enforcement agencies.



U.S. Attorney Todd P. Graves swears in three Special Assistant U.S. Attorneys including Joseph Vanover, Stefan Hughes and Miller Leonard. The three are among several sworn in during 2004 to assist the office in upholding its mission to prosecute violations of federal criminal law.

TODD P. GRAVES BIOGRAPHY

Todd P. Graves, 39, is the United States Attorney for the Western District of Missouri. Graves was nominated by President George W. Bush to be the top federal law enforcement official for western Missouri on July 30, 2001. Graves took his oath of office on an interim appointment as U.S. Attorney by the U.S. District Court on Sept. 17, 2001, and his presidential appointment was formally confirmed by the U.S. Senate on Oct. 11, 2001.



Graves came to the U.S. Attorney's Office from his position as Platte County, Mo., Prosecuting Attorney, an office to which he was elected in 1994 and 1998. At the time of his election to that post in 1994, he was the youngest full-time prosecuting attorney in Missouri. In that position, he managed six assistant prosecutors and a yearly caseload of approximately 400 felonies, 2,500 misdemeanors and 14,000 traffic offenses.

Prior to his service as Platte County Prosecuting Attorney, from 1992 to 1994, Graves was in private practice with the law firm of Bryan Cave. In 1991, he was employed as an Assistant Attorney General for the State of Missouri, and served on the Governor's Commission on Crime.

In 1988, Graves received an undergraduate degree in agricultural economics, with a minor in political science, from the University of Missouri-Columbia, graduating Summa Cum Laude. He received his law degree and a master's degree in public administration from the University of Virginia in 1991.

Raised on a family farm near Tarkio, Mo., Graves married his wife, Tracy, on Aug. 18, 1990. The couple have four children and reside on a 270-acre farm north of Kansas City that has been in the family since 1867.

In 2004, Graves received the Clarence M. Kelley Award for Excellence in Criminal Justice Administration. The award is presented annually to the criminal justice administrator who best exemplifies Clarence M. Kelley's commitment to improving the profession and the community.

As U.S. Attorney for the Western District of Missouri, Graves oversees a staff of about 129, including 56 Assistant U.S. Attorneys, 13 Special Assistant U.S. Attorney's and about 60 support personnel. The district is headquartered in Kansas City, with staffed branch offices in Springfield and Jefferson City. The district is comprised of 66 of Missouri's 114 counties, and encompasses the areas of St. Joseph, Columbia, Jefferson City, Springfield, Joplin and Kansas City, Mo.

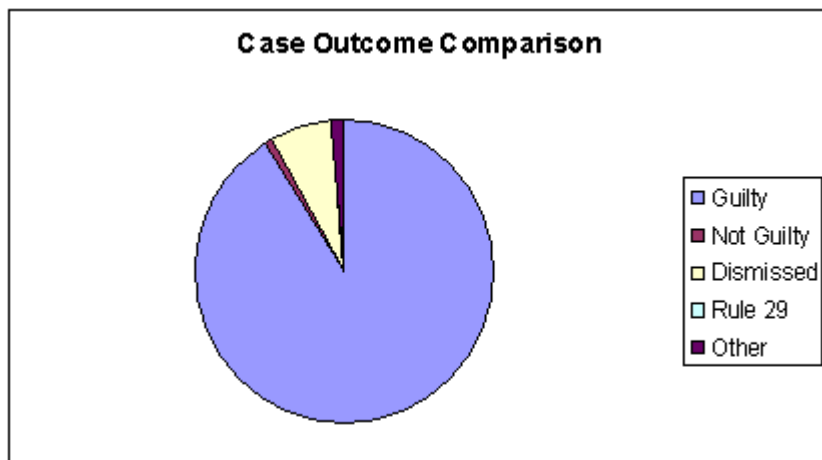
The nation's 93 U.S. Attorneys are responsible for the prosecution of federal crimes such as firearms, narcotics, public corruption, money laundering, child pornography and fraud; the defense of civil cases brought against the United States; and the collection of debts owed to the United States and restitution owed by criminals to their victims.

CRIMINAL DIVISION

The Criminal Division of the U.S. Attorney's Office is comprised of several different units, including the General Crimes Unit, the Narcotics Unit, the Computer Crimes and Child Exploitation Unit, the Organized Crime Strike Force Unit and the Appellate Unit.

The Criminal Division marked substantial progress during 2004. The following charts update this progress as it pertains to the division's caseload.

| 2004 U.S. Attorney's Officewide Caseload Progress | | | | | | |
|---|----------------------|-------------------|-----------------------|-----------------|---------|-------|
| Cases Filed | Number of Defendants | Defendants Guilty | Defendants Not Guilty | Cases Dismissed | Rule 29 | Other |
| 640 | 998 | 850 | 10 | 60 | 2 | 12 |



During 2004, the U.S. Attorney's Office had an average conviction rate of approximately 98.8 percent, while approximately 1.17 percent of defendants were found not guilty.

The following two charts provide a comparison between 2004 and 2003 regarding the number of individuals charged by federal indictment or information throughout our district. Those numbers are also broken down to reflect charges filed in the Kansas City office and both branch offices.

| 2004 Indictments and Informations | | | |
|--|-------------|----------------|-------------|
| Western District Total | Kansas City | Jefferson City | Springfield |
| 678 | 428 | 49 | 201 |

| 2003 Indictments and Informations | | | |
|--|-------------|----------------|-------------|
| Western District Total | Kansas City | Jefferson City | Springfield |
| 728 | 421 | 67 | 240 |

The following is a breakdown of federal charges by specific category in 2004 and offers a comparison to 2003. A bulk of the U.S. Attorney's cases focused on firearms crime, which is a top priority of the Department of Justice and Project Safe Neighborhoods (Project Ceasefire). Other areas of focus include narcotics cases and child exploitation cases, which has been Todd P. Graves' top local priority since being appointed U.S. Attorney for the Western District of Missouri.

| Charges by Category | 2004 | 2003 |
|---|-------------|-------------|
| Federal Corruption - Program | 1 | 0 |
| Federal Corruption - Other | 0 | 1 |
| State Corruption | 0 | 1 |
| Local Corruption | 2 | 1 |
| Organized Crime - Traditional Organizations | 2 | 8 |
| Federal Program Fraud | 15 | 13 |
| Tax Fraud | 7 | 3 |
| Financial Institution Fraud | 14 | 19 |
| Other Fraud Against Businesses | 9 | 13 |
| Consumer Fraud | 0 | 3 |

| | | |
|---|-----|-----|
| Securities Fraud | 0 | 1 |
| Other Investment Fraud | 4 | 7 |
| Antitrust Violations | 1 | 0 |
| Computer Fraud | 19 | 3 |
| Health Care Fraud | 3 | 2 |
| Fraud Against Insurance Providers | 1 | 3 |
| Insider Fraud Against Insurance Providers | 0 | 1 |
| Telemarketing Fraud | 3 | 0 |
| Other White Collar Crime/Fraud | 10 | 5 |
| Drug Trafficking | 145 | 141 |
| Simple Drug Possession | 4 | 0 |
| Organized Crime and Drug Enforcement Task Force cases | 20 | 36 |
| Firearms | 288 | 318 |
| Violations of the Immigration and Nationality Act | 22 | 66 |
| Crimes Against Government Property | 2 | 1 |
| Civil Rights - Racial Violence, Hate Crimes | 1 | 0 |
| Counterfeiting and Forgery | 7 | 8 |
| Customs Violations - Duty | 1 | 0 |
| Customs Violations - Currency | 0 | 1 |
| Environmental Crime | 0 | 1 |
| Money Laundering | 1 | 0 |
| Other Government Regulatory Offenses | 1 | 2 |
| Matters Relating to National Internal Sec. | 1 | 0 |
| Domestic Terrorism | 1 | 1 |
| Offenses Involving the Administration of Justice | 1 | 3 |
| Theft of Property in Interstate Transportation | 0 | 5 |
| Terrorist Financing | 1 | 1 |

| | | |
|------------------------------|----|----|
| Fugitive Crimes | 3 | 2 |
| Postal Service Crimes | 9 | 3 |
| Bank Robbery | 12 | 17 |
| Assimilated Crimes | 5 | 1 |
| Election Fraud | 2 | 0 |
| Motor Vehicle Theft | 0 | 1 |
| Child Pornography | 36 | 16 |
| Theft of Government Property | 5 | 0 |
| Other Criminal Prosecutions | 17 | 17 |
| Domestic Violence | 1 | 0 |
| All Other Violent Crime | 1 | 3 |

The following three charts offer a look at the caseload progress of narcotics, violent crime, white collar/fraud and pornography-related cases for 2004.

| 2004 Narcotics Case Progress | | | | | | |
|-------------------------------------|----------------------|-------------------|-----------------------|-----------------|---------|-------|
| Cases Filed | Number of Defendants | Defendants Guilty | Defendants Not Guilty | Cases Dismissed | Rule 29 | Other |
| 165 | 454 | 350 | 1 | 30 | 1 | 8 |

| 2004 Violent Crime Case Progress | | | | | | |
|---|----------------------|-------------------|-----------------------|-----------------|---------|-------|
| Cases Filed | Number of Defendants | Defendants Guilty | Defendants Not Guilty | Cases Dismissed | Rule 29 | Other |
| 299 | 318 | 313 | 5 | 20 | 1 | 2 |

| 2004 White Collar Crime/Fraud Case Progress | | | | | | |
|--|----------------------|-------------------|-----------------------|-----------------|---------|-------|
| Cases Filed | Number of Defendants | Defendants Guilty | Defendants Not Guilty | Cases Dismissed | Rule 29 | Other |
| 78 | 110 | 75 | 0 | 4 | 0 | 0 |

| 2004 Pornography/Obscenity Case Progress | | | | | | |
|---|----------------------|-------------------|-----------------------|-----------------|---------|-------|
| Cases Filed | Number of Defendants | Defendants Guilty | Defendants Not Guilty | Cases Dismissed | Rule 29 | Other |
| 36 | 39 | 19 | 0 | 1 | 0 | 2 |

GENERAL CRIMES UNIT

The General Crimes Unit operates within the Criminal Division of the U.S. Attorney's Office and focuses on the prosecution of a broad range of federal offenses, including but not limited to:

| | | |
|-------------------|-------------------|---------------------------|
| Public corruption | Bank Fraud | Investment Fraud |
| Violent Crimes | Bankruptcy Fraud | Civil Rights Violations |
| Bank Robbery | Government Fraud | Terrorism |
| Kidnaping | Tax Fraud | Arson |
| Car Jacking | Credit Card Fraud | Environmental Crimes |
| Economic Crimes | Fraudulent Checks | Counterfeiting Violations |
| Health Care Fraud | Identity Theft | Immigration Violations |

2004 GENERAL CRIMES UNIT CASE UPDATES

The following is an update of progress pertaining to cases of significance in the General Crimes Unit during 2004.

U.S. V. MONTGOMERY



U.S. Attorney Todd P. Graves announces at a news conference that a grand jury charged Lisa Montgomery with kidnaping resulting in the death of Victoria Jo Stinnett.

Lisa Montgomery, 36, of Melvern, was charged by a federal grand jury with kidnaping resulting in the death of Victoria Jo Stinnett, who Montgomery took across the state line from Skidmore, Mo., to Melvern. Her case is set for trial in April 2006. According to the indictment, Montgomery's actions resulted in the death of Bobbie Jo Stinnett, the baby's mother. The federal indictment alleges that Montgomery strangled Bobbie Jo Stinnett with a rope and then used a kitchen knife to cut her infant daughter from her womb. At the time of her death, the indictment says, Bobbie Jo Stinnett was eight months pregnant.

U.S. V. CHEN

The operator of the Taste of China restaurant in Springfield, Mo., was sentenced on charges of harboring illegal aliens and ordered to forfeit \$30,250 to the government in May. Sheng Chyuan Chen was president of LTCF, Inc., doing business as Taste of China. Chen and his wife Jeannette Ly Chen pleaded guilty. Sheng Chen pleaded guilty to harboring two illegal aliens in a Springfield residence and Jeannette Chen pleaded guilty to hiring five unauthorized aliens to work at the Taste of China.

U.S. V. WALMART

The U.S. Attorney settled a case with Wal-Mart Stores, Inc., in January, resolving alleged violations of the Clean Air Act by various Sam's Club stores in 11 states, including stores in Independence, Springfield and Joplin, Mo. A federal criminal complaint cited 20 violations of the Clean Air Act. Under the terms of a consent decree, Wal-Mart agreed to pay a \$400,000 civil penalty. Additionally, Sam's Club stores nationwide will stop selling refrigerants that contain ozone-depleting substances.

U.S. V. GORDON

An Overland Park, Kan., husband was sentenced in January for laundering money after his wife embezzled nearly \$2 million from her employer. Ronald E. Gordon was sentenced to two years in federal prison without parole. His wife, Tamie J. Gordon, also was sentenced for embezzling approximately \$2 million from her employer Print Time, Inc., a Leawood, Kan., company she worked for as a controller and office manager.

U.S. V. BOONE

Three men and a woman were convicted by a federal jury for a murder that occurred during a robbery at the Fort Leonard Wood Army Base, in Fort Leonard Wood, Mo. William R. Boone, II, Jerome Creighton, Kelvin Washington and Barbara L. Turner were found guilty on all counts of a federal indictment at the conclusion of a jury trial in March.

U.S. V. HELDENBRAND

An avowed white supremacist pleaded guilty in April to participating in a racially motivated assault at a Springfield, Mo., restaurant. Steven A. Heldenbrand pleaded guilty to a federal civil rights conspiracy charge for his role in attacking two African-American men at a Denny's restaurant in June of 2001. Heldenbrand and four others beat, kicked and stabbed one of the victims.

U.S. V. YOUNG



Two defendants working together in a cattle business were sentenced in May for the largest financial fraud ever prosecuted in the Western District of Missouri. George L. Young and Kathleen I. McConnell were sentenced and ordered to pay \$182,981,100 in restitution. The defendants offered to purchase cattle for their clients, provide care and feeding of those cattle, and to sell the cattle at a profit. In reality, the defendants admitted, they did not purchase the cattle as claimed, but instead falsified records and made misrepresentations in order to defraud ranchers, farmers, business associates, and federally insured financial institutions.

U.S. V. TAYLOR

A Joplin, Mo., attorney was indicted in August for defrauding his clients of more than \$500,000. David Leon Taylor was charged in a seven count indictment, alleging that in managing a trust account he illegally transferred more than \$262,000 from the trust fund to his law firm's operating accounts and that he illegally misappropriated \$195,250 from the proceeds of an estate's annuities by converting the money to his own benefit.

U.S. V. JOHNS

Two former Green Hills Regional Planning Commission officials were indicted in September on public corruption charges. Michael R. Johns and Denise K. Stottlemire, both Trenton, Mo., residents, were charged in a 19-count indictment alleging that they received nearly \$400,000 in unauthorized wages and that companies they operated and controlled received \$543,972 in unauthorized loans. The Green Hills Regional Planning Commission is headquartered in Trenton and is an economic development agency for an 11-county area in north central Missouri. Johns was executive director and Stottlemire was employed as community planner and assistant director.

U.S. V. WEAVER

Dennis Ray Weaver, of Jackson, Tenn., pleaded guilty in October to defrauding hundreds of victims of more than \$20 million through an investment scheme involving two Branson, Mo., hotels. Weaver admitted that he marketed phony time-share investment opportunities in the Branson Inn and Dogwood Inn from July 2000 through August 2003, generating more than \$27 million in revenue and causing an actual loss in excess of \$20 million from several hundred victims.

U.S. V. SCHERZER, U.S. V. GOODRICH

James D. Scherzer, of Kansas City, Kan., and Lorraine E. Goodrich, of Prairie Village, Kan., were charged with voter fraud in October. The fraud involved both Kansas residents giving false residency information in order to vote in the 2002 general election in Missouri.

U.S. V. LAMOREAUX

A former Californian CEO was sentenced in November for defrauding his employer by accepting secret kickbacks for negotiating a contract to purchase Lipitor and Bextra from a Missouri pharmaceutical firm. Christopher Wayne Lamoreaux was formerly the president and CEO of NuCare, a California firm that supplies drugs to urgent care facilities, indigent clinics and occupational health clinics. Lamoreaux admitted that he negotiated a contract with Albers Medical, Inc., agreeing to purchase Lipitor and Bextra on consignment from Albers and was paid five percent commission on the profits NuCare earned through the transactions.

U.S. v. WARIS

A Jackson County, Mo., official was indicted in November for obstruction of justice and making a false declaration to a grand jury. William F. "Bill" Waris was charged with providing false testimony regarding a grand jury investigation into whether an official with Jackson County government offered Catherine Nugent a \$12,000 personal services contract to conduct fund raising in exchange for her husband, Daniel Nugent, voluntarily withdrawing from consideration for appointment to the Jackson County Sports Authority.

U.S. v. WHITEHILL

The co-owner and six office managers of Gecko Communications, Inc., were indicted in November for a \$12.5 million telemarketing fraud, wire fraud and money laundering. Zachery T. Whitehill, Christopher L. Calson, Jaime E. Cook, Bradley L. Lovstad, Steven T. Rice, Jason R. Spencer, and Monty E. Wanless were charged in a 24-count indictment in Kansas City. Whitehill is the co-owner of Gecko, while the other defendants were managers at various Gecko offices in Kansas City, Mo., Shawnee, Kan., Lawrence, Kan., Des Moines, Iowa, Stanton, Iowa and Brooklyn, Iowa. The indictment alleges that the telemarketing fraud promised credit-challenged consumers that, in exchange for an advance fee, they would receive a major credit card and other benefits. In reality, the indictment alleges vendors under contract with Gecko mailed a fulfillment package containing only an application for a credit card, as well as various merchandise, travel coupons and other discounts.

U.S. v. NEWMAN

A Unionville, Mo., funeral home owner pleaded guilty in December to a fraud scheme that involved \$403,000 in false insurance claims for 59 persons who were not actually deceased. Roger Dean Newman, owner of the Newman Funeral Home, pleaded guilty to five counts of mail fraud and wire fraud, admitting that he made false statements to three different insurance companies in order to receive \$403,000 in unauthorized funeral expense payments for 59 individuals who were not actually deceased.

U.S. v. FREE

A former bookkeeper at Tri-City Ministries in Independence, Mo., pleaded guilty to defrauding the Baptist organization of at least \$617,950 by taking money from its checking account and the checking account of its church camp. William Dwight Free pleaded guilty in December, admitting that he devised a scheme to commit wire fraud against Tri-City Ministries during a five-year period.

NARCOTICS UNIT

The Narcotics Unit operates within the Criminal Division of the U.S. Attorney's Office and focuses on offenses involving unlawful importation, possession and distribution of controlled substances, and rules concerning civil and criminal forfeiture of contraband, facilities used to further unlawful drug trafficking, and the proceeds of unlawful drug trafficking. The unit also handles drug-related crimes such as homicides, guns and gang activities.

2004 NARCOTICS UNIT CASE UPDATES

The following is an update of progress pertaining to cases of significance in the Narcotics Unit during 2004.

OPERATION ICE PALACE

Operation Ice Palace, a multi-jurisdictional investigation into pseudoephedrine diversion and methamphetamine manufacturing in southwest Missouri, made major headway during 2004. The long-term investigation into the illegal sale of large quantities of over-the-counter cold medications to methamphetamine manufacturers is making major strides. Already, the operation has resulted in the conviction of a range of individuals from business owners illegally selling the over-the-counter medication to manufacturers responsible for using pseudoephedrine to cook methamphetamine.



Assistant U.S. Attorney Randy Eggert (left) receives an award from HIDTA for his work on the Operation Ice Palace case.

U.S. V. STARR

A former paramedic who worked for several Northland ambulance services was sentenced in May for diluting pain-relieving drugs supplied to an ambulance service in Pleasant Valley, Mo. Craig J. Starr, of Liberty, Mo., was sentenced to five years and three months in federal prison without parole for tampering with consumer products. Starr previously admitted that he tampered with Demerol by removing the pain-relieving drug from the carpujects and substituting another substance in its place.

U.S. V. VANTRUMP

The husband and wife co-owners of a Belton, Mo., head shop were indicted in June for selling drug paraphernalia from their Belton store. Michelle R. and Kevin J. VanTrump were charged with conspiracy to sell drug paraphernalia – glass and plastic water pipes – from December 2001 to May 2003.

U.S. v. JOHNSTON

A Columbus, Ohio, pilot pleaded guilty in July to carrying a suitcase full of marijuana when he landed his Piper Cherokee airplane at the Fulton, Mo., Regional Airport in March. As a result, Russell R. Johnston pleaded guilty to possessing with intent to distribute 20 kilograms of marijuana and agreed to forfeit the 1967 Piper Cherokee 180 airplane to the government. At the time he was flying the plane, Graves said, an air traffic controller became suspicious of Russell when he did not respond to his requests and was flying in an unusual manner over central Missouri.

U.S. v. EALOM

The owner of a home daycare center in Kansas City, Mo., pleaded guilty to participating in a conspiracy to distribute crack cocaine, some of which was located in her home while children were present under her care. Valerie D. Ealom pleaded guilty in September to participating in a conspiracy to distribute 50 grams or more of crack cocaine. Clifford E. Dorsey also pleaded guilty to his role in the conspiracy and Megashia C. Jackson pleaded guilty to being in possession of marijuana with intent to distribute. In searching Ealom's residence, law enforcement also found a Beretta 9 mm handgun and a Norinco 12-gauge shotgun.

U.S. v. SMITH

A Kansas City, Mo., man pleaded guilty in September to his role in a cocaine conspiracy, which led to murder. Percy L. Smith admitted that he purchased an average of five kilograms of cocaine per month between January 1996 and November 1998 and that he distributed in the Kansas City area. Smith also admitted that he led a group of men to his house on Nov. 29, 1998, and then left. At the house, Graves said, two other men were bound with duct tape and beaten. One of those men, Julian Colon, a Colombian national who resided in Overland Park, Kan., was then shot in the head. A second man was also shot but survived. Both men were left in the trunk of a vehicle in Swope Park.

U.S. v. GARCIA

A Kansas City, Kan., man was indicted in July for conspiracy to distribute cocaine after assaulting a confidential informant. Carlos Garcia was charged with conspiracy to distribute 50 to 150 grams of crack cocaine after he assaulted a confidential informant by stomping on his wrists after he suspected the individual was a "snitch." As a result of the assault, the confidential informant suffered significant injuries, including two broken wrists, the indictment alleges.

U.S. v. DEAL

A Kansas City, Mo., man was sentenced for his role in a conspiracy to distribute five kilograms of methamphetamine and 400 pounds of marijuana. The case resulted from a “reverse sting” operation in which law enforcement officers delivered a tractor-trailer load of marijuana and methamphetamine to a group of defendants. Jacob L. Deal was one of several defendants to be convicted in the case and has since been sentenced. Others involved in the case include Damon D. Franklin, James D. Fugate, Deandre Fugate, David Searcy, and Brandon L. Franklin, all of the Kansas City area.

COMPUTER CRIMES AND CHILD EXPLOITATION UNIT

The Computer Crimes and Child Exploitation Unit operates within the Criminal Division of the U.S. Attorney's Office for the Western District of Missouri and prosecutes a broad range of computer-related crimes. The unit was created in the spring of 2002 by United States Attorney Todd P. Graves and consists of six prosecutors, one paralegal, one secretary and one certified computer forensics examiner. One prosecutor in the unit focuses exclusively on cases involving the sexual exploitation of children. The investigation and prosecution of such cases is a top local priority in the district. The unit aggressively pursues those who use the Internet to sexually coerce or entice children and those who possess, produce or distribute child pornography. The unit also prosecutes those who travel interstate to sexually abuse children or women; those who abuse women or children on federal lands; and those who sell, buy or transport women and children interstate or internationally for the purpose of engaging in sexually explicit conduct.

The unit also handles computer intrusions, copyright and trademark violations, theft of trade secrets, economic espionage, and Internet fraud. Computer intrusion or "hacking" cases typically involve matters such as unauthorized access to computer systems by employees, attacks resulting in service outages, system penetrations by outsiders, theft of proprietary information, and sabotage of data or networks. These cases include intrusions into commercial or private computer systems as well as government computer systems where sensitive or national security information may be compromised.

2004 COMPUTER CRIMES AND CHILD EXPLOITATION CASE UPDATES

The following is an update of progress pertaining to cases of significance in the Computer Crimes and Child Exploitation Unit during 2004.

U.S. V. ROGERS

Jack Wayne Rogers, of Fulton, Mo., was sentenced to 30 years in federal prison without parole on child pornography and obscenity charges. In sentencing Rogers, the court departed upward from the sentencing guidelines, which provided a sentencing range of 57 to 71 months. The U.S. Attorney requested an upward departure to reflect the extreme circumstances of the case and the danger the defendant poses to the community. Rogers had pleaded guilty to 11 counts of a superceding indictment charging him with two counts of possessing child pornography, five counts of distributing child pornography, three counts of distributing obscene materials and one forfeiture count.

U.S. V. CREECH

A former Cameron, Mo., high school and middle school band teacher was sentenced in November for attempting to receive child pornography over the Internet. Omer Dale Creech, of Cape Girardeau, Mo., had previously admitted that he operated the KazAa file-sharing program on his home computer to retrieve visual depictions of minors engaging in sexually explicit

conduct. Creech used the program to obtain hundreds of images of child pornography and some of the images included children under the age of 12 and some who were depicted in sadomasochistic scenes or scenes involving bondage or other types of violence.

U.S. V. WARNER

A former teacher and mayor of Bethany, Mo., pleaded guilty in September to producing child pornography. Richard P. Warner, of New Hampton, Mo., pleaded guilty to using a minor to engage in sexually explicit conduct for the purpose of producing child pornography. Warner also admitted that he transported child pornography in interstate commerce using his computer. Warner also worked as a foster parent, volunteered to drive a bus and lead youth church activities and was involved with the Boy Scouts, Graves said.

U.S. V. TURNBOW

A Warrensburg, Mo., woman, who had hoped to earn \$1 million from a man she met on the Internet was sentenced in September for charges related to child prostitution. Cherri Turnbow was sentenced for enticement for prostitution and transportation of a minor for prostitution. Turnbow had enticed a 16-year-old minor to travel with her from Missouri to New York City because a man she communicated with over the Internet had offered \$1 million for a sexual encounter.

U.S. V. GORDON

A Maryville, Mo., man was sentenced in June for advertising child pornography over the Internet. Gerald Wallace Gordon, who was employed as a babysitter, was sentenced for publishing a notice on the Internet offering to display, distribute and reproduce child pornography.

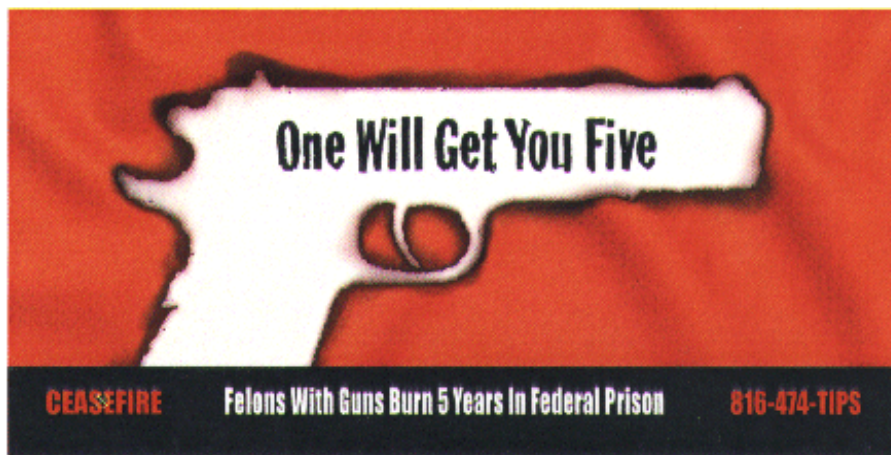
U.S. V. WILSON

A former Joplin, Mo., man pleaded guilty to traveling from Oklahoma to Missouri for sex with a minor. Terry Wayne Wilson, of Miami, Okla., admitted that he traveled across state lines with the intent to engage in a sexual act with a minor. Wilson had contacted a 14-year-old girl and that online chat message was observed by an adult. The discovery prevented the real 14-year-old girl from responding, but the adult participated in the chat for a period of time, pretending to be the girl. When the conversation turned to sexual matters, Graves said, the adult contacted law enforcement. An officer then assumed the online identity of the girl and at a later date, Wilson indicated that he wanted to have sexual intercourse with her and perform other sex acts. Wilson arranged a meeting with who he then thought was a 14-year-old girl to take place approximately one hour later at a McDonald's restaurant in Webb City, Mo. When Wilson arrived, he was arrested.

ORGANIZED CRIME STRIKE FORCE UNIT/ PROJECT SAFE NEIGHBORHOODS

ORGANIZED CRIME PROSECUTIONS

In 2004 the Organized Crime Strike Force Unit prosecuted and tried a case involving bribery at Rockhurst University and labor offenses as well as launching an investigation into the involvement of alleged members of the Gambino crime family in New York and its infiltration into a telephone company in Cass County, Mo. The Rockhurst bribery case involved payments made to the chief of Rockhurst's physical plant in order to secure contracts for demolition work and the labor offenses involved the failure to make payments to union pension and benefit funds by the same demolition company. The investigation of the Cass County telephone company involved the creation of false and fraudulent invoices in order to receive additional subsidies provided to rural telephone companies.



PROJECT SAFE NEIGHBORHOODS/PROJECT CEASEFIRE

Also in calendar year 2004, investigative and prosecutive actions undertaken through the Project Safe Neighborhood program in the Kansas City area resulted in the indictment of 171 individuals, 156 determinations of guilt either through pleas or trial, and 169 sentences. Since the inception of the program in 1999, grand jury indictments have been handed down for 721 individuals, resulting in an average sentence of 4.6 years and the recovery of over 1,300 firearms. At the same time, many categories of reported crimes have fallen to and maintained 30-year lows.

WESTERN DISTRICT OF MISSOURI LEADS NATION IN FIREARMS PROSECUTIONS

The following chart lists the top 10 districts in prosecuting firearms violations. The Western District of Missouri's prosecution of firearms violations listed in this chart include not only the Kansas City division but also the St. Joseph, Central, Southern and Southwestern divisions, which encompass Jefferson City, Springfield and Joplin, among other communities.

| 2004 NATIONAL RANKING OF FIREARMS PROSECUTIONS | 2003 | 2004 |
|---|------|------|
| Western District of Missouri | 306 | 323 |
| Eastern District of Virginia | 311 | 291 |
| Western District of Tenn. | 233 | 283 |
| Western District of Texas | 248 | 280 |
| District of Utah | 337 | 274 |
| Eastern District of N.C. | 282 | 272 |
| District of Washington D.C. | 246 | 271 |
| Eastern District of Missouri | 256 | 255 |
| Southern District of Texas | 193 | 252 |
| Eastern District of Penn. | 223 | 250 |

The Ceasefire program has also engaged in community outreach and education programs to deter firearm violence. The Re-entry project is a combined effort of the Missouri Department of Probation and Parole, law enforcement and community support agencies. Recently released state felons are told of the Ceasefire program and the consequences if they carry a gun. Additionally, the felons and their families hear an outline from social service providers of the programs that are available to assist them. Studies by our research partners at the University of Missouri-Kansas City have shown a higher positive attitude of these groups towards law enforcement and the community groups versus a control group that had not attended the meetings. Connections to Success, a faith-based organization, is also working with recently released prisoners.



KC HOSTS PSN ANNUAL NATIONAL CONVENTION

In addition, 2004 saw Kansas City host the Project Safe Neighborhoods Annual National Convention the week of June 14, 2004. This convention brought together over 1,150 federal, state, and local prosecutors, law enforcement officials, community leaders, and other members of Project Safe Neighborhoods teams from across the nation to discuss efforts to reduce and prosecute gun crimes. Featured speakers at the convention included Attorney General John Ashcroft and United States Attorney Todd Graves.

The attendees at this convention represent 94 Project Safe Neighborhoods task forces, led by the United States Attorneys' Offices, that seek to implement a coordinated strategy to identify the most pressing gun crime problems in their areas and to attack these problems through a combination of tactics involving prevention, deterrence and aggressive prosecution. Though the nation-wide goal remains the reduction of gun violence, the diversified aspects of the Project Safe Neighborhoods Task Forces allow each local program to fit the unique gun crime problem in that district.

PROJECT SAFE NEIGHBORHOODS TASK FORCE LOOKING FORWARD

In the Western District of Missouri, as the Project Safe Neighborhoods Task Force looks forward to the challenges of 2005, there will be a renewed emphasis on combating violent gang crimes and career criminals as well as continued concentration on community education and the prosecution of felons in possession of firearms. While the reduction of gun crime reflects a positive first step, the commitment of Project Safe Neighborhoods to stopping the illegal trafficking and possession of firearms remains firm. Those prosecutive and community outreach strategies which have served the program will in its first five years be expanded to insure that the illegal possession of firearms will continue to decrease.

APPELLATE UNIT



FIRST QUARTER:

There were 33 decisions on criminal matters filed for the first quarter of 2004. Fifteen were unpublished memoranda, 16 were published opinions, and two were denials of certificates of appealability. The U.S. Attorney's Office won 31 cases and lost two cases. Two of the wins occurred with the United States appealing the District Court's decision, and the office prevailed on appeal with the Eighth Circuit Court of Appeals reversing the District Court.

SECOND QUARTER:

During the second quarter of 2004, 23 decisions were filed. Eleven of those decisions were filed during April. Eight of the April decisions were published opinions, while three were unpublished opinions. The U.S. Attorney's Office won nine cases and lost two cases in April. There were two significant cases where the government was successful in having District Court rulings reversed. The first government win, *U.S. v. Phillip O'Malley*, was a reversal of the District Court's sentencing rulings on the amount of loss suffered by the victim, and the Court's downward departure for extraordinary restitution; and the other win, *U.S. v. Michael LeBrun*, was an *en banc* hearing where the full court reversed the District Court and Eighth Circuit panel's ruling suppressing LeBrun's confession to a 1968 murder.

Seven decisions were filed during May, while five were filed during June. Three of the decisions in May were published opinions, while four were unpublished opinions. The U.S. Attorney's Office was successful in having the District Court's rulings upheld in all of the cases. Four of the June decisions were published opinions, while one was unpublished. Again, the U.S. Attorney's Office was successful in having the District Court's rulings upheld in all of the cases.

THIRD QUARTER:

During the third quarter of 2004, a total of 16 decisions were filed – nine during July, two during August and five during September. Eight of the July decisions were published opinions, while one was an unpublished opinion. The U.S. Attorney's Office was successful in having the District Court's downward departure ruling reversed. With the exception of a District Court's failure to explain how it calculated a defendant's amount of loss in one case, the U.S. Attorney's Office was otherwise successful in having District Court rulings upheld. Two published decisions were filed in August and September. The published decision in August was an appeal by the government of a District Court's adverse decision order.

FOURTH QUARTER:

For the fourth quarter of 2004, a total of 15 decisions were filed; three during October, six during November and six during December. Two of the September opinions were published, and three of the November opinions were published.

The Eighth Circuit issued four opinions on criminal matters for the Western District of Missouri during December 2004. There were two additional opinions on habeas prisoners' appeals from the denial of 28 U.S.C. § 2241 petitions. Of the six total opinions, five resulted in published decisions. One opinion was a *reversal* of a magistrate court's order to involuntarily medicate a defendant to restore him to competency to stand trial. In another opinion, the Eighth Circuit, while affirming the District Court's denial of the defendant's suppression motion, *reversed* the District Court's sentencing determination upon the government's cross appeal that the defendant's four prior drug convictions should be treated as separate offenses.

| <u>MONTHS</u> | <u>BRIEFS FILED</u> | <u>ORAL ARGUMENTS</u> | | <u>OPINIONS</u> | | <u>ADVERSE DECISION MEMOS</u> |
|---------------|-------------------------|-----------------------|-------------------|------------------|--------------------|---------------------------------------|
| | | <u>ARGUED</u> | <u>NOT ARGUED</u> | <u>PUBLISHED</u> | <u>UNPUBLISHED</u> | |
| JAN-JUNE | 43 | 20 | 13 | 31 | 25 | 7 |
| JULY-DEC | 43 | 23 | 7 | 20 | 11 | 7 |
| TOTAL | 86 | 43 | 20 | 51 | 36 | 14 |

SIGNIFICANT GOVERNMENT VICTORIES

U.S. V. DEANDRE SCROGGINS

The District Court's suppression of evidence seized following a no-knock search was reversed. With a review of the no-knock search being reviewed under the Fourth Amendment, the Eighth Circuit found that the officers' reliance upon the judicially approved no-knock warrant, later found to be incorrect, was objectively reasonable. The basis for the affidavit that supported the warrant was not so lacking that it rendered the official's belief, under the "not-high" standard, unreasonable.

U.S. V. CORNELIUS PEOPLES

Applying the U.S. Supreme Court's reasoning in *Sattazahn v. Pennsylvania*, the District Court here did not err in denying Peoples' motion to strike the government's notice of intent to seek the death penalty. The government's withdrawal of its intent to seek the death penalty before the jury reached a decision on the issue did not preclude the government from seeking the death penalty on retrial.

U.S. V. ALFONSO GILL

Exigent circumstances justified a preliminary warrantless search of defendant's residence. The evidence seen in plain view during the preliminary search provided probable cause for the issuance of a search warrant.

U.S. V. JACKIE SPRINGER

The District Court's dismissal of the indictment for conspiracy to distribute a controlled substance on the ground that fenfluramine was not a controlled substance at the time at issue was **reversed**. Although a bill was pending in Congress to remove the drug from the statutory schedule, fenfluramine was listed on the schedule at the time of the events charged in the indictment, and the District Court erred in treating recommendations to remove the drug as a final rule.

U.S. V. ROBERT RAY COURTNEY

The Eighth Circuit affirmed the District Court's grant of an upward departure in Courtney's offense level. Since the offense of conviction, combined with other admitted relevant conduct offenses, resulted in significantly more than the five-level limit increase under §3D1.4, the District Court properly increased Courtney's offense level by an additional three levels. The District Court properly reasoned and "justified its upward departure on four grounds: the grouping rules disregarded Courtney's significant number of additional offenses, Courtney significantly endangered public safety, Courtney's conduct caused extreme psychological injury to his victims, and the Guidelines calculations did not take into account Courtney's uncharged criminal conduct." Pharmacist Courtney had diluted several chemotherapy drugs before distributing them for administration to cancer patients.

U.S. V. PHILLIP O'MALLEY

The District Court's rulings were **reversed**. The Eighth Circuit found that the amount of loss suffered by the victim as a result of O'Malley's kickback scheme should have included all funds retained by the co-conspirators as a result of the scheme; and the District Court erred in excluding the \$277,000 from the amount of the loss. The Eighth Circuit also found that the District Court erred in: (1) granting O'Malley a downward departure based on extraordinary restitution because O'Malley's payment of restitution prior to his sentencing did not justify a departure; (2) finding that the seriousness of O'Malley's role was overstated as there was nothing so unusual in the case to warrant a downward departure; and (3) finding that a departure was warranted because of the adverse economic impact of O'Malley's incarceration on his small farming community in that such a consideration is expressly discouraged under the guidelines and the impact was not so exceptional that it would take the case outside the general rule.

U.S. V. JAMES L. PARKER

The Eighth Circuit affirmed Parker's mail fraud convictions relating to his fraudulent sales to distributorships of automotive parts. The District Court did not abuse its discretion in admitting expert testimony from FTC lawyers regarding franchise requirements because it showed Parker's intent to deceive, and the cautionary instruction limited the use of the testimony for that purpose. Further, there was sufficient evidence to sustain Parker's conviction and because Parker's statements were "clear and [were] subject to reasonable interpretations that would render them true." Consequently, the District Court "did not commit plain error in failing to *sua sponte* give an instruction on the additional proof required if ambiguity were found to reside in Parker's statements." Parker's money laundering conviction was also supported by the evidence and the erroneous jury instruction to which Parker did not object to at trial did not require reversal because the government proved the interstate commerce component of the money laundering charges; thus Parker was not harmed.

U.S. V. MICHAEL LEBRUN

In this 7-4 *en banc* opinion, the Eighth Circuit held that the District Court erred in suppressing LeBrun's confession to the 1968 murder of his superior officer aboard the USS Cacapon in Subic Bay, the Philippines. The Court found that the District Court erred in concluding that LeBrun was in custody for *Miranda* purposes because although the questioning which led to LeBrun's confession took place in a police station, a reasonable person in his position would have believed he was free to leave and free to terminate the interview. LeBrun's statements were not involuntary as his will was not overborne.

U.S. V. SIDNEY L. MARTIN

The Eighth Circuit upheld the District Court's revocation of defendant Martin's supervised release finding that a defendant may waive the right to confront complaining adverse witnesses at a supervised release revocation hearing, but not the right to object to improper hearsay evidence offered by the government to meet its burden of proof. Here, the District Court did not err in admitting the statements of the first victim in that the reasons for failing to produce her - she was out of state and could not be found - were reasonably satisfactory and her statements were sufficiently reliable. The victim's statements were corroborated by the tape of her 911 call which was admitted into evidence without any objections. However, the other victim could have been produced by the government, and therefore her statements were improperly admitted into evidence. The District Court properly ruled that defendant Martin violated the terms of his supervised release in regard to the first victim, but not the second victim. Further, the District Court's statements properly considered the relevant sentencing factors of § 3553(a), as well as the Chapter Seven policy statements.

U.S. V. JACOB KANATZAR

The Eighth Circuit held that the District Court did not err in denying Kanatzar's motion to suppress. The police officers did not act unreasonably in deciding to impound defendant's vehicle

and conduct an inventory search after his arrest on a traffic offense as there was no licensed driver available to take the vehicle and the arrest site was in a high crime area where it was unsafe to leave an unattended car. The District Court also did not err in imposing an enhancement for possession of a firearm in connection with another felony, possession of the implements of forgery. Additionally, Kanatzar's Kansas conviction counted as a crime of violence for purposes of §2K2.1(a)(4)(A), and the District Court did not err in increasing Kanatzar's base offense level from 14 to 21.

CHARLES COVEY V. U.S.

The Eighth Circuit upheld the District Court's denial of Covey's ineffective assistance of counsel claim. Covey had claimed that his lawyer's advice concerning an illegal money laundering transaction created a conflict of interest and prevented Covey from asserting an advice of counsel defense at trial. The appellate court held that Covey failed to show that the alleged conflict of interest adversely affected the lawyer's performance at trial in that all of the evidence at trial showed that Covey knew he was making an illegal loan. Further, Covey failed to show that his reliance on his counsel's advice in making the transaction was not objectively reasonable, and consequently, his counsel's alleged conflict of interest could not have affected Covey's decision as to whether to present the advice of counsel defense.

U.S. V. DONALD RAY WALLACE

The Eighth Circuit reversed the District Court's grant of Wallace's motion for downward departure, which resulted in him receiving a 110-month sentence. The appellate court found that the District Court erred in granting the downward departure motion based on the court's conclusion that Wallace's career offender status, which included three prior felony drug-trafficking convictions, overstated Wallace's threat to the community. The government pointed out that Wallace's prior convictions, which included assault, domestic abuse, receipt of stolen property, trespass and other crimes, painted a picture suggesting that Wallace had not been deterred from his continued criminal behavior. The Eighth Circuit agreed, and remanded the matter for resentencing within the Guidelines range of 152-235 months.

U.S. V. KELLY LIVEOAK, ROBERT DUPONT AND JULIA BAZAZZADEGAN

The Eighth Circuit held the District Court in the following respects: The District Court correctly denied defendant Dupont's motion to withdraw his guilty plea because the government had not agreed to dismiss charges against Dupont's daughter if he pled guilty; joinder of Liveoak's case with the two doctors involved in the health care fraud scheme was proper; evidence was sufficient to support Liveoak's conviction and thus the District Court properly dismissed his motion for judgment of acquittal; and the District Court did not err in calculating the amount of loss by refusing to offset the government's losses by the amount it would have paid for legitimate services. The appellate court, however, found that it was unclear as to how the District Court calculated the amount of loss for defendant Bazazzadegan, and thus, this issue was remanded for further consideration.

U.S. V. DARRYL D. WALKER

This was an interlocutory appeal by the government from the District Court's order finding that a felon's simultaneous possession of a firearm and ammunition for that firearm comprised only one offense such that prosecution could not proceed under two counts. The Eighth Circuit **reversed** the District Court's order, finding that under Eighth Circuit precedent, *United States v. Peterson*, 867 F.2d 1110 (8th Cir. 1989), the government may prosecute under separate counts for a firearm and the possession of ammunition for that firearm.

U.S. V. WILLIAM KIRCHOFF

Defendant Kirchoff appealed the District Court's denial of his motion to dismiss the indictment which claimed that "under Missouri law actual incarceration is not necessary to trigger the restoration exception" under 18 U.S.C. § 921(a)(33)(B)(ii). Kirchoff had been charged with three misdemeanor counts of third degree assault in February 2000. In January 2001, two misdemeanor counts of third degree assault was filed. Kirchoff was released on bond in both cases. His bond was revoked in March 2001, and he was held in jail pending trial. The cases were consolidated in April 2001, Kirchoff pled guilty to Count One of each information. He was sentenced to concurrent sentences of one year, but the court suspended execution of the sentences and he was placed on two years of probation.

The District Court had found that because Kirchoff "had not been confined under a sentence of imprisonment, under Missouri law his right to vote had not been taken [a]way and thus could not have been restored." The Eighth Circuit found that under Missouri law, a misdemeanant convicted of domestic assault is ineligible for restoration of his civil rights, and thus the District Court did not err in denying Kirchoff's motion to dismiss his indictment on charges of possession of a firearm by a prohibited person.

U.S. V. ROBERT L. HILL

Defendant Hill was found guilty of possession with intent to distribute crack cocaine, possession of a firearm in relation to the drug-trafficking crime, and being a felon in possession of a firearm. On appeal, he claimed that the District Court erred in denying his suppression motion, and that his conviction for being a felon in possession of a firearm could not stand because Congress exceeded its authority in enacting that statute.

The Eighth Circuit ruled that the District Court did not err in finding that the officers had probable cause to conduct a warrantless search of Hill's vehicle because the search was "permissible under the automobile exception to the warrant requirement." Furthermore, Hill's challenge of the constitutionality of 18 U.S.C. § 922(g)(1) was meritless in that this Court has already held that "the enactment of § 922(g)(1) was not beyond the scope of congressional authority."

U.S. V. MICHAEL R. CURIALE

Here, the government mistakenly listed Curiale's prior conviction as a sale rather than possession of a controlled substance in its § 851 information. After Curiale pled guilty, but before sentencing, the government filed a motion to amend the information to correct the characterization of the conviction. Curiale had been advised of the enhanced § 851 statutory minimum sentence (10 years) at his guilty plea hearing. The District Court denied Curiale's motion to quash the amended information. The Eighth Circuit upheld the District Court's ruling, finding that in this case the government's error in listing a prior conviction as being for the sale of a controlled substance rather than for possession was a clerical error capable of correction by amendment.

U.S. V. LARRY A. PIERCE

In this case, the District Court applied a § 3C1.2 enhancement based on Pierce's actions of fleeing and ramming police vehicles with his truck in which he had anhydrous ammonia. The court found that these actions created a substantial risk of death or serious injury. The Eighth Circuit agreed.

The Eighth Circuit rejected Pierce's second argument that it was impermissible double counting for the court to impose a § 2D1.1(b)(1) (possession of a firearm in connection with a controlled substance offense) enhancement even though he was also convicted of being a felon in possession of the same firearm.

U.S. V. TIMOTHY W. HINES

In this case, the Eighth Circuit upheld the District Court's denial of Hines' motion to suppress evidence because the one-shot photo lineup of Hines was not "so unduly suggestive as to give rise to a very substantial likelihood of irreparable misidentification that tainted the later photo identification. . . and the in-court identification" by a witness.

Hines also contended that the search of the residence where he resided violated the Fourth Amendment. The owner of the residence gave police officers permission to search the house. The Eighth Circuit held that "the officers obtained valid consent to search and that neither a warrant nor exigent circumstances were necessary."

Lastly, the Eighth Circuit rejected Hines' claim that his statements to the police should be suppressed. The Court found that Hines had been "properly advised of his *Miranda* rights and that he waived those rights intelligently and voluntarily."

U.S. V. CARLUS PHILLIPS

In affirming the District Court, the Eighth Circuit found that the District Court properly informed Phillips of the consequences of pleading guilty, even if it did not follow the exact requirements of Rule 11. In reviewing for plain error, the court further found that Phillips failed to show that he would have made a different decision if he had "known of the particular mechanism by which the higher sentence could be imposed."

The appellate court likewise rejected Phillips' contention that the government "violated the spirit of the plea agreement" by filing a motion for upward departure. The terms of the plea agreement clearly stated that either party could advocate any position not addressed in the agreement and that the government reserved the right to make any recommendations it deemed appropriate, "subject only to any limitations' contained in the plea agreement." There were no restrictions in the plea agreement on upward departures, and thus the government did not violate the spirit of the plea agreement by seeking an upward departure.

U.S. V. KARAMOKE M. FUSE

In upholding the District Court's order denying Fuse's suppression motion, the Eighth Circuit found that after the initial, valid traffic stop, and consent for Fuse to leave, the traffic stop ended. The officer's observations of several things, such as (1) a strong odor of air freshener; (2) that the car did not belong to Fuse or Burgie, his passenger; (3) Fuse's explanation for traveling to Kansas City; (4) Fuse and Burgie's unusual nervousness even after the officer advised them that he was issuing only a warning citation; and (5) the officer's observation of a mobile phone and "No Doz" in the car, created a reasonable suspicion justifying further detention to conduct a dog sniff.

U.S. V. SYLVESTER CORNELIUS

In this case, the Eighth Circuit upheld the District Court's denial of Cornelius' motion to suppress, but reversed the District Court's sentencing determination. On the suppression issue, the appellate court found that the initial stop of Cornelius was proper under *Terry v. Ohio*, as the arresting officer had a reasonable suspicion of criminal activity, and that Cornelius was armed and dangerous. The frisk, which led to the discovery of drugs, was therefore justified and the arrest of Cornelius was justified by the presence of crack cocaine.

The appellate court, in a very brief paragraph, vacated Cornelius' sentence, finding that the District Court erred in not treating Cornelius' four prior convictions separately. Eighth Circuit case law, *United States v. Long*, requires that the four prior convictions are to be treated "as separate offenses under the Armed Career Criminal Act."

U.S. V. MUSTAFA ABDULLAH

In this § 2241 prisoner habeas case, Abdullah, again, sought to test the validity of his conviction. Abdullah claimed that the District Court had jurisdiction under § 2241 because his prior § 2255 petitions were inadequate or ineffective for him to raise his *Bailey* claim. The Eighth Circuit found otherwise, ruling that because as the "first [Abdullah] opinion pointed out, regardless of his ability to demonstrate actual innocence, Abdullah did have an unobstructed procedural opportunity to raise his claim." Abdullah could have amended his first § 2255 petition or file a timely second § 2255 petition to address his *Bailey* claim – he did not do so. Consequently, the District Court here did not err in dismissing Abdullah's § 2241 petition.

Judge Bright dissented, as Judge Heaney did in Abdullah's initial appeal of his § 2255 petition, asserting that Abdullah did not have an "adequate opportunity to present his arguments for a

remedy under § 2255.” In December 1995, while Abdullah’s § 2255 was pending in District Court, the U.S. Supreme Court rendered its decision in *Bailey v. U.S.*, which clarified the definition of “use” under § 924(c)(1). Abdullah, who was represented by private counsel, thereafter filed a *pro se* motion to raise a *Bailey* claim, but the District Court rejected the filing as Abdullah had an attorney and returned the *pro se* motion to Abdullah’s attorney. The clerk’s office also provided Abdullah with an explanation of why his *pro se Bailey* claim was being rejected. The *Bailey* issue was not raised on Abdullah’s behalf, and his § 2255 petition was denied in September 1996. Abdullah did not, himself thereafter, attempt to file the *Bailey* claim. The dissent alleged that without knowing why Abdullah’s counsel did not file the *Bailey* claim and why Abdullah did not question such until June 1997, provided enough combined effect that Abdullah should be allowed to use the “savings clause” of § 2255 and file his claim under § 2241.

CIVIL DIVISION

Civil Division Assistant U.S. Attorneys are the litigators in civil cases and matters involving federal agencies and officials. Civil Division paralegal specialists, legal assistants, and an auditor/investigator collect money owed the United States, manage cases such as Social Security disability appeals and Freedom of Information Act requests, and provide support to the attorneys in all types of cases. The Civil Division staff includes 12 Assistant U.S. Attorneys, 10 paralegal specialists, one paralegal assistant and one auditor/investigator. Two of the attorneys and one paralegal specialist are in the Springfield branch office.

CIVIL DIVISION CASELOAD

| | |
|---|-------|
| Cases pending as of Dec. 31, 2003 | 1,003 |
| Cases opened from Jan. 1 to Dec. 31, 2004 | 770 |
| Cases closed from Jan. 1 - Dec. 31, 2004 | 799 |
| Cases pending as of Dec. 31, 2004 | 974 |

SOCIAL SECURITY DISABILITY APPEALS

The Civil Division represents the Social Security Administration (SSA) in appeals filed in U.S. District Court by disability applicants whose applications for benefits have been denied by SSA. Although the number of cases appealed nationwide represents only a small fraction of the total number of applications filed each year, a substantial number of disability appeals are filed in the Western District of Missouri. These appeals are approximately one-half of the cases handled by the Civil Division. The courts decide cases on briefs filed by the parties and evidence in the record, which is the evidence submitted to SSA during the disability application process. In this district, several magistrate judges hear oral arguments before deciding disability appeals. During 2004, 402 new social security cases were opened in the Civil Division and attorneys participated in 66 oral arguments held in Kansas City, Springfield and Jefferson City. The increase in cases for 2004 is attributed to the utilization of additional administrative law judges to hold hearings and rule on the backlog of appeals in the Western District of Missouri.

BANKRUPTCY LITIGATION

The Civil Division represents federal agencies in bankruptcy proceedings in which the agencies have a financial interest. For example, the Internal Revenue Service typically has claims that the U.S. Attorney's Office seeks to protect when an individual files for bankruptcy. Several other federal agencies often have financial interests in bankruptcies, *e.g.*, the Department of Agriculture, Health and Human Services, the Small Business Administration and the Social Security Administration. Federal law limits the circumstances under which federally guaranteed student loans may be discharged in bankruptcy. The Civil Division is frequently involved in "adversary" proceedings, challenging the discharge of student loans.

| Cause of Action | Opened | Closed |
|-------------------------------|-----------|------------|
| Adversary Proceedings | 5 | 21 |
| Chapter 7 | 1 | 16 |
| Chapter 11 | 6 | 9 |
| Chapter 12 | 0 | 2 |
| Chapter 13 | 11 | 53 |
| Total Bankruptcy Cases | 23 | 101 |

FREEDOM OF INFORMATION ACT AND PRIVACY ACT

Under the Freedom of Information Act (FOIA) and Privacy Act, individuals have the right to submit a written request for federal agency records or information. Federal agencies are required to provide the requested records unless the information falls under any of the nine exemptions or three exclusions set forth in the FOIA.

From Jan. 1, 1994 through Dec. 31, 2004, the United States Attorney's Office has received 263 FOIA requests. During 2004, 21 requests were received, and 24 requests were resolved.

The majority of FOIA and *Privacy Act* requests received are from prison inmates who are interested in obtaining information pertaining to investigations and prosecutions which led to their convictions. During 2004, the United States Attorney's Office received 15 inmate requests.

Additional information pertaining to the Department of Justice policies and procedures for making a request under the FOIA or Privacy Act is available at DOJ's website at www.usdoj.gov/04foia/index.html.

EMPLOYMENT DISCRIMINATION AND TORTS

Employment Discrimination. Civil Division Assistant U.S. Attorneys defend federal agencies against claims for discrimination brought by federal employees. These cases include allegations of discrimination on the basis of race, age, gender and disabilities. During 2004, nine discrimination cases were resolved by summary judgment or dismissal in favor of the government, and four cases were settled.

Medical Negligence. Civil actions alleging medical negligence (“malpractice”) are brought against the United States on the basis of medical care provided at military hospitals, prison facilities, and veterans medical centers. The Civil Division defends these cases, and during 2004, three medical negligence claims were dismissed, and five cases were settled.

Constitutional Torts. Civil Division attorneys defend tort actions brought against federal law enforcement agents, Bureau of Prisons employees and other federal employees. The allegations in these cases include use of “excessive force” in arrest situations and disregard of medical needs of inmates. During 2004, none of these cases resulted in recovery of damages by the plaintiff.

General Tort Litigation. Other types of tort claims are brought against the United States under the Federal Tort Claims Act, *e.g.*, negligence claims arising from traffic accidents and “slip-and-fall” incidents on federal property. During 2004, five tort cases were resolved by summary judgment or dismissal in favor of the government, and two cases were settled. Two persistent plaintiffs filed 24 tort complaints; all were dismissed and the plaintiffs were enjoined from further filings.

TAX

Most civil cases involving disputes between taxpayers and the Internal Revenue Service are handled by the Tax Division in the Department of Justice. However, the Civil Division represents the IRS in proceedings to enforce summonses issued by the IRS to obtain information needed to determine tax liability and to collect taxes.

AFFIRMATIVE CIVIL ENFORCEMENT (ACE)

The Civil Division represents the United States in cases where a department or agency has suffered financial loss from fraudulent actions. Through the use of the False Claims Act, the government can recover up to three times the amount lost as a result of the fraud. The False Claims Act also contains a *qui tam* provision which allows individuals to file a lawsuit on behalf of the United States when they have knowledge that fraudulent acts have occurred. In return for their assistance in disclosing and investigating the fraud, these individuals, known as relators, are entitled to a portion of the amount recovered. The Civil Division also handles cases involving violations of environmental laws and regulations.

In addition to the significant matters discussed below, cases involving allegations of fraud against the Departments of Agriculture, Defense, Health and Human Services, Housing and Urban

Development, Social Security, and Veterans Affairs and other government departments and agencies were handled.

Harmony Printing and Development Company, Larry Wilson, and Marvin Finkelston

Harmony Printing and Development Company (Harmony Printing), Liberty, Mo., provided printing services and products for the Government Printing Office which alleged that some of these products were of poor quality and not prepared in accordance with the contract specifications. In settling this case, Harmony Printing, its president, and one of its former customer service representatives agreed to pay the United States and the relator a total of \$420,000. Harmony Printing and the individuals also agreed not to bid on or solicit future business from the Government Printing Office.

Wal-Mart Stores, Inc.

Under the terms of a consent decree, Wal-Mart Stores, Inc. paid a \$400,000 civil penalty for selling refrigerants containing chlorofluorocarbons to customers who were not certified technicians as required by the Clean Air Act and Environmental Protection Agency regulations. The sales occurred at Sam's Club stores in eleven states. Under another portion of the consent decree, Sam's Club stores nationwide agreed to stop selling refrigerants which contain ozone-depleting substances.

AMERICANS WITH DISABILITIES ACT

Americans with Disabilities Act (ADA) complaints originating in the Western District of Missouri and alleging non-employment violations of the ADA may be investigated and resolved by the United States Attorney's Office (USAO) or the DOJ Civil Rights Division or handled through the DOJ mediation process. During 2004, the USAO processed ADA complaints dealing with physical accessibility of public and private buildings and services and public transportation services.

The Civil Division also handles violations of the anti-discrimination provisions of the Fair Housing Act and other civil rights legislation. Violations of these laws may be handled separately or in concert with the Criminal Division.

PRISONER LITIGATION

The United States Medical Center for Federal Prisoners (USMCFP) is located in Springfield. Civil Division attorneys represent the Bureau of Prisons when it is necessary to file petitions (1) to commit inmates for psychiatric treatment when they are determined to be dangerous to themselves or others by reason of mental illness, or (2) to hold such inmates, as patients, for psychiatric treatment after their sentence expires. During 2004, all commitment cases which went to a court hearing were decided in favor of the Bureau of Prisons. Inmates at USMCFP also file habeas corpus petitions challenging the computation of the length of their sentences or complaining about

various conditions of confinement. Civil Division attorneys defend these cases, and during 2004, all court decisions on such issues in this district were in favor of the Bureau of Prisons.

IMMIGRATION

During 2004, the Civil Division handled several district court cases and two cases in the Court of Appeals for the Eighth Circuit for the immigration component of the Department of Homeland Security. The immigration cases arising in this district primarily fall into two categories: (1) aliens who have been convicted of a criminal offense and are challenging the constitutionality of their resulting deportation, and (2) aliens scheduled for removal who are challenging their detention pending removal. Both areas have been the subject of numerous Congressional enactments and Supreme Court constitutional scrutiny. In all of the finally decided cases in this district, the courts have ruled in favor of the government. In addition, the Civil Division has assisted immigration officials in enforcing new laws designed to address potential national security threats.

Requests for International Judicial Assistance

The Civil Division handles requests from courts in foreign jurisdictions under The Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters. In 2004, matters were handled for courts in Argentina, Brazil, Germany, and Italy concerning paternity testing and providing statements of witnesses.

FINANCIAL LITIGATION UNIT

The Financial Litigation Unit (FLU) is responsible for collecting money owed to the United States and crime victims (federal government, individuals, banks, insurance companies and other businesses or entities). Criminal cases include bond forfeitures, special assessments, fines, federal restitution (money owed to a federal agency), and non-federal restitution (money owed to individuals, banks, insurance companies and other entities). Money collected for special assessments and fines go to aid victims of crime. At the end of calendar year 2004 the Financial Litigation Unit maintained a criminal caseload of 2,350 criminal debts, totaling \$311,923,184. Non-federal restitution amounted to \$292,938,505 of the total amount due.

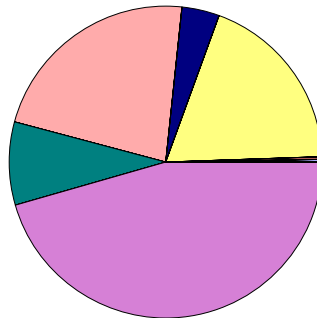
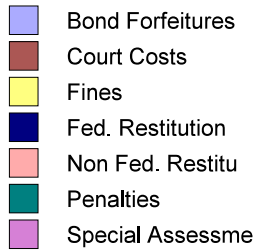
The unit's civil cases consist of defaults on government loans, overpayments made by the United States, environmental fines and penalties, and money owed to the United States as a result of successful civil fraud prosecutions. At the end of calendar year 2004 the FLU maintained a civil caseload of 607 debts worth \$11,899,616, with the Department of Education being the FLU's largest client agency.

Money is collected by the FLU staff through voluntary payment plans, wage assignments, wage garnishments, bank garnishments (checking, savings, IRAs, 401Ks, certificates of deposit, etc.), by attachment of real and personal property (cars, boats, recreational vehicles, etc.), and by placing liens against real and personal property. Calendar year 2004 collections totaled \$18 million (\$14.5 million criminal collections and \$3.5 million civil collections).

The Financial Litigation Unit consists of a full-time Assistant United States Attorney, a Supervisory Paralegal Specialist and three Paralegal Specialists.

Pending Criminal Debts

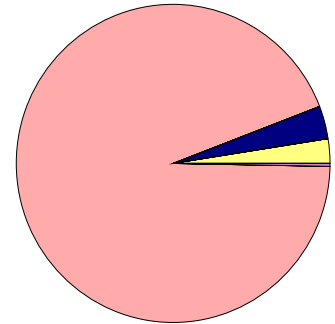
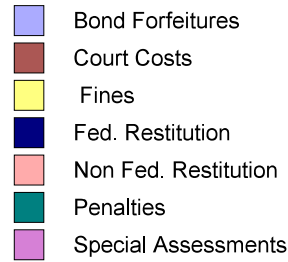
Number of Debts



| | |
|----------------------|------|
| Bond Forfeitures | 13 |
| Court Costs | 3 |
| Fines | 444 |
| Fed. Restitution | 90 |
| Non Fed. Restitution | 531 |
| Penalties | 204 |
| Special Assessments | 1065 |

Pending Criminal Debts

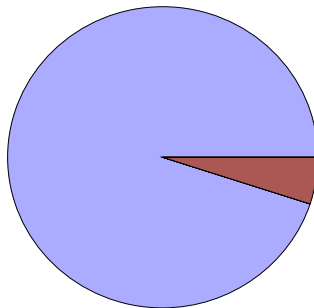
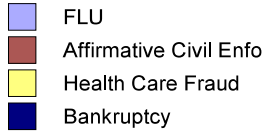
Dollar Amount



| | |
|----------------------|---------------|
| Bond Forfeitures | \$327,304 |
| Court Costs | \$35,374 |
| Fines | \$8,052,336 |
| Fed. Restitution | \$10,435,520 |
| Non Fed. Restitution | \$292,938,500 |
| Penalties | \$4,989 |
| Special Assessments | \$129,156 |

Pending Civil Debts

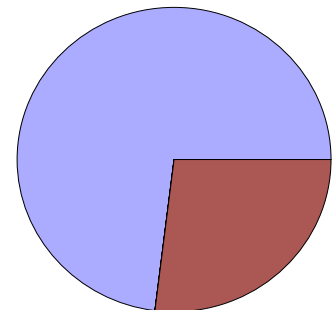
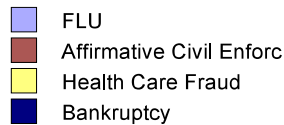
Number of Debts



| | |
|-------------------------------|-----|
| FLU | 577 |
| Affirmative Civil Enforcement | 30 |
| Health Care Fraud | 0 |
| Bankruptcy | 0 |

Pending Civil Debts

Dollar Amount



| | |
|-------------------------------|-------------|
| FLU | \$8,709,195 |
| Affirmative Civil Enforcement | \$3,190,421 |
| Health Care Fraud | \$0.00 |
| Bankruptcy | \$0.00 |

VICTIM WITNESS UNIT

The Victim Witness Unit provides a variety of services for victims and witnesses of federal crimes. The staff is comprised of one Victim Witness Coordinator and two Victim Witness Specialists. Their responsibilities include identifying crime victims, addressing special needs of victims and witnesses, and processing victim and witness entitlements prior to, and throughout, the adjudication stages.

The Victim Witness Unit is also involved in community initiatives and education, and identifies resources for crime victim-related needs. A priority of the Victim Witness Unit is to insure that every victim and witness is provided the necessary information and assistance they need. Support, compassion, referrals, and resources are provided to help restore victims to wholeness as a result of being victimized. The Victim Witness Unit has a primary focus on insuring victim rights as provided in the Justice For All Act of 2004.



U.S. Attorney Todd P. Graves presents the Kipper-Kemp Memorial Award to the Platte County, Mo., Sheriff's Department. The award is presented each year during National Crime Victim's Rights Week. The Platte County Sheriff received the award in 2004.

The Victim Witness Unit insures victim notification of case status through the Victim Notification System (VNS). The VNS database generates specific letters to federal crime victims which provide case activity information beginning with the indictment, throughout prosecution, sentencing and court-ordered restitution. The average number of VNS letters mailed to federal crime victims in a one-month period is 1,200.

The Victim Witness Unit responds to incoming calls from crime victims who are seeking a more detailed understanding of the various requirements and procedures of the criminal justice system.

Inquiries from federal crime victims or their family members are routinely received and answered by the Victim Witness Unit staff on a daily basis. The Victim Witness Unit maintains detailed records of phone calls, case progression/developments, victim assistance, and correspondence with victims and witnesses.

FINANCIAL VICTIMIZATION

During 2004, the Victim Witness Unit was involved directly or indirectly on cases having a very large number of victims. One such case, "Miracle Cars," involves more than 2,400 victims across

the nation. Victims lost money on deposits for the discounted purchase of cars that did not exist. Financial fraud cases are on the increase and commonly have anywhere from 100 to 700 victims per case. Many of the victims of financial fraud crimes are located throughout the world and have suffered a devastating financial loss.

IDENTITY THEFT

The Victim Witness Unit has seen a significant increase in the number of identity theft cases, which often have multiple victims. The impact of this crime is tremendous due to the victims not knowing how their identity was stolen, how extensive the crime actually is, how it could impact, or has impacted their personal finances and credit. The Victim Witness Unit gives guidance to these victims on the required detailed documentation needed by their creditors and credit bureaus to correct the damage against them caused by the fraud.

TRAINING

The Victim Witness Unit provides victim awareness training at Leavenworth Federal Penitentiary on a quarterly basis. Presentations regarding victim awareness, sensitivity issues, and crime prevention are given to inmates. A segment of the training includes how inmates can make choices and change their behavior. The theme of the presentation is that victimization through crime has tremendous impact and long-lasting consequences for both the victim and the inmate. The presentations are given to two separate inmate groups. One group is the maximum security inmates and the other group is minimum security.

Individualized training on the Justice For All Act "Victim Rights" has been provided to support staff and Assistant U.S. Attorneys.

INTRA-AGENCY INVOLVEMENT

The Victim Witness Unit is involved with initiatives to counter domestic violence, particularly those issues relating to federal legislation and current training topics which have a federal component. The Victim Witness Coordinator participates in quarterly meetings and special projects of the Northland Community Response Team which is a multi-agency group initiative to seamlessly respond to domestic violence.

The Victim Witness staff also participates in monthly meetings led by VictimNet which is an organization consisting of various government agencies and nonprofit organizations which provide services to crime victims.

VICTIM-RELATED FINANCIAL RECOVERIES

Victim restitution and special assessments are priorities of the district's Financial Litigation Unit. The Victim Witness Unit works closely with the Assistant U.S. Attorneys, Financial Litigation Unit, Federal Probation Office, and U.S. Court on restitution issues. Every effort is made to ensure that federal crime victims who have suffered a financial loss receive restitution. The

Financial Litigation Unit in the Western District of Missouri is diligent in pursuit of restitution to federal crime victims.

Restitution

Court-ordered restitution which was collected by the Financial Litigation Unit for payment to non-federal agency victims, which includes individuals, banks, insurance companies, or a business, totaled \$12,264,120. The case in which a pharmacist diluted chemotherapy drugs, *U.S. v. Robert Courtney*, was responsible for \$10.7 million in restitution to victims or their surviving family members.

Court-ordered restitution collected by the Financial Litigation Unit to be paid to federal agencies totaled \$1,855,538. Examples of crimes where federal agencies would receive restitution are fraud, embezzlement, and theft. (Note: Restitution to non-federal agencies always takes priority over restitution to federal agencies.)

Special Assessment Fee

This fee is a mandatory order imposed by the federal court to raise revenue to aid victims of crime. A special assessment fee is mandatory for each count of conviction except for forfeiture counts. Like fines, assessments are paid to the Crime Victims Fund. The proceeds collected in the fund are distributed by the Department of Justice, Office for Victims of Crime, through formula grants to state victim compensation and victim assistance programs. Special assessments collected by the Financial Litigation Unit for year 2004 totaled \$82,079.

Collection of Fines

A total of \$336,618 of court-ordered fines was collected by the Financial Litigation Unit.



LAW ENFORCEMENT COORDINATING COMMITTEE

The year 2004 was another tremendous year for the Law Enforcement Coordinating Committee serving the Western District of Missouri.

In 2004, the Law Enforcement Coordinating Committee, under the direction of Les Kerr, assisted in the Lisa Montgomery case, but worked to coordinate with law enforcement agencies throughout the district throughout the investigation into that case.

The Law Enforcement Coordinating Committee also organized again and hosted its Annual Training Seminar in Branson, Mo. The training seminar was open to all law enforcement district-wide and provided information and education regarding some of the field's hottest topics.

The Law Enforcement Coordinating Committee also continued the publication of its quarterly newsletter, *The Patriot Letter*. The newsletter aims to keep law enforcement officers informed as to the current events of the United States Attorney's Office and other law enforcement agencies in the district.



Enoch B. Morelock Award is presented to Sgt. John Wright of the Clay County, Mo., Sheriff's Department in 2004.

Additionally, the Law Enforcement Coordinating Committee continued with its quarterly information-sharing meetings, which were held in each division of the Western District of Missouri. The meetings focused on sharing information related to criminal activity, investigations and resources available in those divisions.

Finally, the Law Enforcement Coordinating Committee continued to guide three Weed and Seed sites in the Western District and sponsored seven training seminars covering a wide variety of topics related to law enforcement. The Law Enforcement Coordinating Committee trained more than 600 federal, state and local law enforcement officers during the year 2004.

PUBLIC AFFAIRS OFFICE

The Public Affairs Office is responsible for coordinating all releases of information by the United States Attorney to the media and the general public. This responsibility includes media relations, distributing news releases to the media, arranging press conferences and other media events, monitoring media coverage of the activities of the U.S. Attorney's Office, maintaining the district's Web site (www.usdoj.gov/usao/mow), and providing other related support functions.

"AS A GOVERNMENT AGENCY, WE HAVE AN OBLIGATION TO INFORM THE PUBLIC OF THE WORK THAT WE DO.

PUBLICITY HAS THE SALUTARY EFFECT OF DETERRING CRIMINAL ACTIVITY, PROMOTING PUBLIC SAFETY, AND ALERTING THE GENERAL PUBLIC TO ONGOING FRAUDS AND OTHER CRIMES, THEREBY MINIMIZING FURTHER VICTIMIZATION.

WE SHOULD BE PROUD OF THE WORK WE DO AND RECOGNIZE THAT PUBLICITY ON OUR CASES PUTS THIS OFFICE IN ITS MOST DESERVING LIGHT AND REINFORCES THE HIGH ESTEEM IN WHICH THE OFFICE IS HELD."

**DISTRICT POLICY ON MEDIA CONTACTS
U.S. ATTORNEY TODD P. GRAVES
JUNE 16, 2003**

MEDIA RELATIONS

The Public Affairs Office responds to media inquiries, providing information and documentation to reporters and answering questions regarding specific cases. Serving as a liaison with the media also involves arranging interviews and coordinating other public events.

NEWS RELEASES

In order to improve the efficiency and effectiveness of the Public Affairs Office, the unit uses an e-mail list containing media contacts to distribute its news releases. This technology allows a greater number of news releases to be distributed more quickly to a larger number of media contacts.

News releases are distributed to every newspaper, radio and television station in the Western District. The office's e-mail distribution list contains nearly 400 media contacts that regularly receive news releases when there is activity in their coverage area. Occasionally, a special media distribution list is generated for a specific case. For example, a distribution list of more than 100 agricultural journals received news releases during the Phantom Cattle case. A list of Kansas media is also maintained, although it lies outside the district, so that media in Johnson and Wyandotte counties can be informed of cases that involve Kansas defendants and victims.

In addition to news releases, the Public Affairs Office also produces radio actualities that are available to radio and television stations. Audio comments, which accompany news releases, are created using a digital recorder, then made available in MP3 format on the district's Web site or via e-mail. Digital photos from press conferences, award presentations, and other events are also provided along with some news releases.

MEDIA EVENTS

Press conferences are arranged for significant events in cases of public interest. Public events can also include special announcements of new initiatives, award ceremonies, etc.

MONITORING COVERAGE

The Public Affairs Office monitors news coverage in the major newspapers in the District on a daily basis, as well as television news coverage in the Kansas City market.



WEB SITE

The U.S. Attorney's Office Web site can be found at www.usdoj.gov/usao/mow. Updated on a daily basis, the district's Web site includes every news release – posted daily and archived – along with digital audio comments, photos, and such documents as indictments and plea agreements for significant cases. The Web site also features the daily court docket, information about the U.S. Attorney's Office, a guidebook to the federal criminal justice system, and special sections for issues such as the Patriot Act, Identity Theft, and the Crystal Kipper & Ali Kemp Memorial Award. The Web site is maintained on a daily basis to provide current information.

SUPPORT FUNCTIONS

Among the support functions provided by the Public Affairs Office is the production of the U.S. Attorney's Office Annual Report and *The Patriot Letter*, the quarterly newsletter of the Law Enforcement Coordinating Committee.

ASSISTANT U.S. ATTORNEY LISTING

FIRST ASSISTANT U.S. ATTORNEY

ROSEANN KETCHMARK

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MATT WHITWORTH, DEPUTY U.S. ATTORNEY
GENE PORTER, SENIOR LITIGATION COUNSEL

APPELLATE UNIT:

LAJUANA COUNTS
PHILIP KOPPE

COMPUTER CRIMES

AND CHILD EXPLOITATION UNIT:

JEFF VALENTI, SUPERVISORY AUSA
CURT BOHLING
JOHN COWLES
KATHY FINCHAM
DANIEL NELSON
CYNTHIA PHILLIPS

GENERAL CRIMES UNIT:

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MIKE GREEN
SHERRY JEANS
DAVID KETCHMARK
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LINDA PARKER-MARSHALL
FRANCES REDDIS
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CATHERINE CONNELLY
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KATE MAHONEY
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BRUCE CLARK
STEFAN HUGHES, SAUSA
MICHAEL HUNT, SAUSA
JESS MICHAELSEN
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